

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CITY OF PROVIDENCE, RHODE ISLAND, et al.,	:	
	:	
Plaintiffs,	:	
	:	14-CV-2811 (JMF)
-v-	:	
	:	<u>ORDER</u>
BATS GLOBAL MARKETS, INC., et al.,	:	
	:	
Defendants.	:	
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JESSE M. FURMAN, United States District Judge:

On November 19, 2021, Plaintiffs filed a motion to unseal 372 documents filed by the parties in connection with their briefing of Defendants’ motion for summary judgment based on lack of Article III standing (ECF No. 607) and motion for summary judgment based on preclusion (ECF No. 599). *See* ECF Nos. 776, 798-1. Defendants request that 13 of these documents remain under seal and that 70 of the documents be redacted in part. ECF No. 788 (“Defs.’ Opp’n), at 1.¹ They do not object to the unsealing of the remaining documents.

“[D]ocuments submitted to a court for its consideration in a summary judgment motion are — as a matter of law — judicial documents to which a strong presumption of access attaches, under both the common law and the First Amendment.” *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120-21 (2d Cir. 2006). Parties seeking to maintain information filed under seal — in this case, the Defendants — bear “the burden . . . to demonstrate that the interests favoring


¹ Defendants state that, of the 372 exhibits identified by Plaintiffs, 14 should remain under seal and 74 should be redacted in part. Defs.’ Opp’n 1. But one document that Defendants request remain under seal (ECF No. 660-74), and four documents that they request be redacted in part (ECF Nos. 660-80, 660-192, 671-61, 671-76) do not seem to be included in Plaintiffs’ list of filings that they seek to have unsealed. *Compare* ECF No. 788-3, *with* ECF No. 798-1.

non-access outweigh those favoring access.” *United States v. Amodeo*, 44 F.3d 141, 148 (2d Cir. 1995). Here, because Defendants do not oppose unsealing the vast majority of the documents identified by Plaintiffs, Plaintiffs’ motion is GRANTED *as to those documents*. The Court reserves judgment on Plaintiffs’ motion as to the other documents at issue.

Accordingly, no later than **January 20, 2022**, Defendants shall file a letter with a list of the documents (with corresponding ECF numbers) from Plaintiffs’ list that can be unsealed in their entirety. (The Court will then direct the Clerk to modify the viewing restrictions for those ECF entries so that they are viewable by the public.) On that same date, Defendants shall also file a separate letter with a chart identifying the filings that remain in dispute, the ECF numbers of those filings, and Defendants’ respective positions on them (i.e., whether Defendants request that the document remain under seal or be redacted).

SO ORDERED.

Dated: January 18, 2022
New York, New York



JESSE M. FURMAN
United States District Judge